

REMARKS

The Patent Office letter dated July 14, 2004 indicated that Applicant had failed to point out how the language of newly presented claims 73 - 78 patentably distinguishes these claims from the prior art, particularly the Neukam reference.

New independent claim 73 sets forth first and second bays where each of the bays includes a plurality of article shafts arranged next to each other and one on top of another. Applicant has reviewed Neukam, and finds no teaching nor suggestion of first and second bays of the type in claim 73. Applicant notes that element 7 in Neukam does not anticipate one of the bays of claim 73. Neukam describes element 7 with one or more parallel vertical shafts 3. However, Neukam does not indicate that the vertical shafts 3 are arranged one on top of another. Applicant finds no teaching nor suggestion of any other structure in Neukam which would anticipate both the first and second bays. Therefore claim 73 defines over Neukam.

Claim 73 also sets forth an article loader mounted pivotably movable on a cart. The cart is set forth as being horizontally movable along the plurality of article shafts and between the first and second bays. Since Neukam does not describe first and second bays, Neukam cannot describe a cart horizontally movable between first and second bays.

Furthermore, Applicant finds no teaching nor suggestion of an article loader which is pivotably mounted in Neukam. Applicant notes that Neukam does describe a loader 25. However Applicant finds no teaching nor suggestion in Neukam that loader 25 is pivotably movable, especially pivotably movable as set forth in claim 73. Therefore loader 25 of Neukam cannot anticipate the article loader of claim 73.

Claim 73 further sets forth that the article loader includes an ejector movable in a transverse direction to individually eject one of the articles from a stack of articles held by the article loader. Applicant finds no teaching nor suggestion in Neukam of an ejector, especially an ejector which individually ejects articles. Therefore claim 73 further defines over Neukam.

Claim 74 sets forth further features of the ejector. As described above, Neukam does not describe an ejector individually ejecting articles, and therefore cannot describe the additional features of claim 74. In particular claim 74 sets forth that the ejector is arranged at the bottom of the article loader and moves a lower most article from the article loader into one of the article shafts. Applicant finds no teaching nor suggestion of any structure in Neukam which individually ejects a lowermost article. Claim 74 therefore further defines over Neukam.

Claim 75 sets forth that the ejector is arranged at the top of article loader and moves an uppermost article from the article loader into the article shafts. As described above, Neukam does not describe an ejector individually ejecting articles, and therefore cannot describe an ejector arranged at a top of an article loader and individually moving an uppermost article. Claim 75 further sets forth that a lifter is arranged in the article loader to lift the stack of articles to the ejector. Applicant finds no teaching nor suggestion of a lifter in Neukam. Claim 75 therefore further defines over Neukam.

Claim 76 sets forth that the article loader includes a clamp for clamping the stack of articles. Applicant finds no teaching nor suggestion of a clamp which clamps a stack of articles in an article loader of Neukam, especially element 25. Claim 76 therefore further

defines over Neukam.

Claim 77 depends from claim 76 and sets forth that the clamp selectively clamps and unclamps the stack of articles. Since Neukam does not teach nor suggest a clamp, Neukam further cannot teach nor suggest a clamp which selectively clamps and unclamps. Claim 77 therefore further defines over Neukam.

Claim 78 sets forth when the clamp selectively clamps and unclamps the articles. Since Neukam does not describe a clamp, Neukam clearly cannot describe when a clamp selectively clamps and unclamps a stack of articles. Further, Neukam clearly does not indicate the exact times when the clamp selectively clamps and unclamps the articles as set forth in claim 78. Claim 78 therefore further defines over the prior art.

Applicant thanks the Examiner for the one month period to point out how the language of newly presented claims 73 - 78 patentably distinguish over Neukam. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted  
for Applicant,

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